



ZFW
Docket No.: R2184.0245/P245
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Toshiaki Watanabe

Application No.: 10/629,819

Confirmation No.: 7294

Filed: July 30, 2003

Art Unit: 2627

For: **METHOD AND SYSTEM OF CREATING A
BACKUP DISC OF A HYBRID DISC**

Examiner: P. H. Gupta

REQUEST FOR RECONSIDERATION

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated February 15, 2007, please reconsider the above-identified U.S. patent application in light of the following remarks:

Claims 1-30 are pending in this application.

Claims 1-5, 7-14, 16-23, and 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gehr, U.S. Patent No. 6,453,395, in view of Tatano, JP Patent No. 401173487, in view of Iida et al., U.S. Patent Publication 2002/0027848. The rejection is respectfully traversed and reconsideration is respectfully requested.

Applicant respectfully submits that the combination of Gehr, Tatano and Iida does not disclose, teach or suggest the invention recited in claims 1, 10 and 19. The claimed invention relates to a method, system and procedure for creating a backup disc of a source optical disc having a read-only storage area and a writable storage area. The Office Action relies on Gehr for teaching this method. As previously stated, however, Gehr teaches a system for copying compact disc drives that have one or more copy buttons on their face and attached to a computer system. The Office Action states the Gehr's FIG. 4 illustrates the method recited by claims 1, 10 and 19. Gehr's FIG. 4 shows, however, a method of determining if two Compact Discs (CD) drive systems are the same or different. Applicant submits that Gehr does not teach or suggest that CD drive systems have a read-only storage area or a writable storage area. Therefore, Applicant respectfully submits that Gehr does not teach or suggest creating a backup disc of a source optical disc having a read-only storage area and a writable storage area.

The Office Action asserts that Gehr's FIG. 4 discloses a qualification determination step of determining whether or not a target optical disc is qualified as the backup disc of the hybrid type source optical disc. The Office Actions cites to column 4, lines 9-28 for disclosing these limitations. As previously discussed, however, Gehr discloses a system of determining if two CD drive systems are the same or different. (Col. 4, ll 9-28). Gehr's CD drive systems are not the same as the optical discs recited in claims 1, 10 and 19. In fact, Gehr merely suggests that its CD drive systems can be designed to read the optical discs recited in claims 1, 10 and 19. Applicant respectfully submits that Gehr does not teach or suggest determining whether or not a target optical disc is qualified as the backup disc of the hybrid type source optical disc.

Applicant respectfully submits that Gehr also does not teach or suggest the loading step and writing step recited by claims 1, 10 and 19. The Office Action cites to column 1, lines 56-67 as disclosing these steps. Applicant submits, however, Gehr does

not teach or suggest that these steps occur “when it is determined that the target optical disc is qualified as the backup disc.” Instead, Gehr discloses that pressing a copy button launches copy software that evaluates the computer system to determine the number of CD drives available in the computer system. Gehr also discloses that the copy software evaluates any CDs inserted into any of the CD drives to determine the CDs type and formatting.

Although the Office Action asserts that Gehr discloses the loading and writing step, Gehr teaches that the copy software determines the type of CD for compatibility with the CD drives. Specifically, the CD drives are designed to read specific types of CDs and the copy software determines if the correct type of CD is in the associated CD drive. Gehr does not teach or suggest loading backup information from the source optical disc or writing the backup information in the target disc “when it is determined that the target optical disc is qualified as the backup disc.” Applicant respectfully submits that Gehr does not teach or suggest the inventions recited by claims 1, 10 and 19.

Moreover, Applicant respectfully submits that the Office Action admits that Gehr does not disclose “comparing the source optical disc to the target optical disc based on information recorded in the source optical disc and the target optical disc.” The Office Action relies on Tatano for disclosing this limitation. Applicants submit, however, that Tatano does not disclose this limitation. Tatano discloses a method of ensuring that the master disc is not “erroneously set as the copy destination recording medium.” Tatano discloses checking for “identifying information” that should be recorded on the backup. If the identifying information is not recorded on what has been designated as the backup, then Tatano’s system knows that the master recording medium has been erroneously set as the copy destination recording medium. Applicant submits that Tatano does not disclose comparing the copy source recording

medium and the copy destination recording medium. Tatano simply discloses checking for “identifying information” in the copy source recording medium and the copy destination recording medium to determine which one is the master recording medium and which one is the backup. Consequently, Tatano does not disclose comparing the source optical disc to the target optical disc as recited by claims 1, 10 and 19.

Applicant respectfully submits that Tatano does not disclose that the comparison is based on information recorded in both the source optical disc and the target optical disc. Tatano discloses that the “identifying information” is only recorded in the copy destination recording medium. Therefore, Tatano does not evaluate the information in the copy destination recording medium and the copy source recording medium and compares the information. By contrast, Tatano discloses checking the information in the copy destination recording medium and the copy source recording medium to determine which one has the identifying information required for the backup. As such, Tatano does not disclose comparing the source optical disc to the target optical disc based on information recorded in the source optical disc and the target optical disc as recited in claims 1, 10 and 19.

The Office Action admits that Gehr and Tatano fail to disclose or suggest that the source optical disc is a hybrid type optical disc. The Office Action relies on Iida for disclosing a hybrid type optical disc. Applicant submits that even if Iida discloses hybrid disc having two areas with different physical characteristics, Iida does not disclose or suggest creating a backup disc of a hybrid type source optical disc having a read-only storage area and a writable storage area. Iida also does not disclose determining whether or not a target optical disc is qualified as the backup disc of the hybrid type source optical disc by comparing the source optical disc to the target optical disc based on information recorded in the source optical disc and the target

optical disc. Therefore, Iida does not teach or suggest the inventions of claims 1, 10 and 19. Applicant respectfully submits that whether alone or in combination, Gehr, Tatano and Iida fail to teach or suggest the limitations of claims 1, 10 and 19.

Claims 2-5 and 7-9 depend from claim 1 and are allowable for at least the same reasons. Claims 11-14 and 16-18 depend from claim 10 and are allowable for at least the same reasons. Claims 20-23 and 25-27 depend from claim 19 and are allowable for at least the same reasons. Applicant respectfully requests the rejection be withdrawn and claims 1-5, 7-14, 16-23, and 25-27 be allowed.

Claims 6, 15, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tatano in view of Gehr in view of Iida, further in view of Fairman et. al. U.S. Patent No. 6,898,172. The rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 6 depends from claim 1. Claim 15 depends from claim 10. Claim 24 depends from claim 19. As discussed, neither Tatano, Gehr, or Iida disclose the inventions of claims 1, 10 and 19. Specifically, Tatano, Gehr, or Iida fail to disclose the “qualification determination” step/part.

The Office Action cites to Fairman as disclosing the dummy data determination step. For whatever Fairman may disclose, Applicant respectfully submits that Fairman does not disclose “comparing the source optical disc to the target optical disc based on information recorded in the source optical disc and the target optical disc.” As such, Fairman fails to cure the deficiencies of the combination of Tatano, Gehr, and Iida. As such, Applicant respectfully submits that the Gehr, Tatano, Iida, and Fairman combination fails to disclose, teach, or suggest every limitation of

claims 6, 15, and 24. Accordingly, Applicant respectfully requests the withdrawal of the rejection and allowance of the claims.

Claims 28-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fairman in view of Tatano. The rejection is respectfully traversed and reconsideration is respectfully requested.

Claims 28-30 recite “comparing the source optical disc to the target optical disc based on information recorded in the source optical disc and the target optical disc.” The Office Action relies on Tatano for disclosing these limitations. As discussed above, neither Fairman or Tatano disclose comparing the source optical disc to the target optical disc based on information recorded in the source optical disc and the target optical disc. Applicant respectfully submit that the combination of Fairman and Tatano fail to disclose every limitation of claims 28-30. Accordingly, Applicants respectfully request that the rejection be withdrawn and the claims allowed.

In view of the above, Applicant believes the pending application is in condition for allowance.

Dated: May 10, 2007

Respectfully submitted,

By

Mark J. Thronson

Registration No.: 33,082

Rachael Lea Leventhal

Registration No.: 54,266

DICKSTEIN SHAPIRO LLP

1825 Eye Street, NW

Washington, DC 20006-5403

(202) 420-2200

Attorneys for Applicant